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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/747,196    12/22/00    WEDER

D    8403.303

EXAMINER

PM82/1011

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GELINER, J

ART UNIT

PAPER NUMBER

3643

DATE MAILED:

10/11/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/747,196

Applicant(s)

WEDER, DONALD E.

Examiner

Jeffrey L. Gellner

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

PETER M. POON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

*pmp*

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

Acknowledgement is made of Applicant's IDS entered 13 April 2001.

### ***Drawings***

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 13 April 2001 as part of the substitute specification have been accepted and entered.

### ***Specification***

The proposed substitute specification filed on 13 April 2001 has been accepted and entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26, 27, 30, and 31 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a display surface of "a pane of glass, such as in a window, the top surface of a table, or a wall" (substitute specification page 11 lines 14-17), does not reasonably provide enablement for a wall made of a pane of glass (Claims 26 and 30 dependent upon Claims 25 and 29, respectively) or a table top made of a pane of glass (Claims 27 and 31 dependent upon Claims 25 and 29, respectively). The specification does not enable any person

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skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. Examiner considers Applicant's substitute specification to enable the display surface to be either a pane of glass, a top surface of a table, or a wall but not two of these limitations simultaneously.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benoist (US 3,657,840).

As to Claim 1, Benoist discloses a floral grouping display assembly (Figs. 1-3) comprising a floral grouping (flowers, col. 1 line 61); and a sheet of material (1 of Fig. 2) wrapped about at least of the stem end of the floral grouping, substantially the entire length of the wrapped floral grouping is visibly displayed (Fig. 2). Benoist further discloses the floral grouping hung vertically (col. 2 lines 13-16). Not disclosed is a display surface. Examiner takes official notice that it is old and notoriously well known in the horticultural retail art to hang display assemblies on the wall for display. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist by having it on the wall so as to entice buyers to buy.

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Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benoist (US 3,657,840) in view of Braddock (US 342,675).

As to Claim 25, the limitations of Claim 1 are disclosed as described above. Not disclosed is the display surface a pane of glass. Braddock, however, discloses a floral display surface made of a pane of glass (Figs. 1-3; col. 2 lines 62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by using a glass display surface as disclosed by Braddock to achieve a pleasant viewing of the floral arrangement.

As to Claim 26, Benoist as modified by Braddock further disclose a wall (see rejection of Claim 1 above). Mirrored walls are old and notoriously well known in the retail trade. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by Braddock by using a glass wall as a display surface since these are known in the retail trade to entice sales.

As to Claim 27, Examiner takes official notice that it is old and notoriously well known to cover a table with a pane of glass in the flower shop art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by Braddock by using a table with a protective glass top to display floral arrangements so as to protect the table top.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benoist (US 3,657,840).

As to Claim 28, Benoist discloses a floral grouping display assembly (Figs. 1-3) comprising a floral grouping (flowers, col. 1 line 61); and a sheet of material (1 of Fig. 2)

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wrapped about at least of the stem end of the floral grouping, substantially the entire length of the wrapped floral grouping is visibly displayed (Fig. 2). Benoist further discloses the floral grouping hung vertically (col. 2 lines 13-16) and substantially the entire bloom and stem ends visible (see Fig. 3). Not disclosed is a display surface. Examiner takes official notice that it is old and notoriously well known in the horticultural retail art to hang display assemblies on the wall for display. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist by having it on the wall so as to entice buyers to buy.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benoist (US 3,657,840) in view of Braddock (US 342,675).

As to Claim 29, the limitations of Claim 28 are disclosed as described above. Not disclosed is the display surface a pane of glass. Braddock, however, discloses a floral display surface made of a pane of glass (Figs. 1-3; col. 2 lines 62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by using a glass display surface as disclosed by Braddock to achieve a pleasant viewing of the floral arrangement.

As to Claim 30, Benoist as modified by Braddock further disclose a wall (see rejection of Claim 1 above). Mirrored walls are old and notoriously well known in the retail trade. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by Braddock by using a glass wall as a display surface since these are known in the retail trade to entice sales.

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As to Claim 31, Examiner takes official notice that it is old and notoriously well known to cover a table with a pane of glass in the flower shop art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by Braddock by using a table with a protective glass top to display floral arrangements so as to protect the table top.

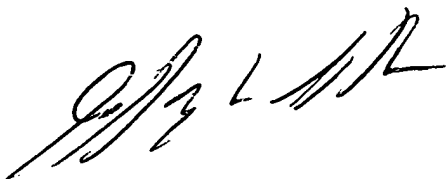
### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Talbot, Snyder, Hori et al., Stidolph, and Seewann disclose in the prior art various floral groups.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose telephone number is 703.305.0053. The Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The fax phone numbers for the Technology Center where this application or proceeding is assigned are 703.305.7687, 703.305.3597, and 703.306.4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.



Jeffrey L. Gellner



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